

WC 16.22.5 Temporary Uses, Events, Structures and Buildings

A. Purpose and Intent

The purpose of this Article is to ensure that the public health, safety and general welfare of the community is protected during temporary events and within temporary structures.

B. Exemptions

1. Events hosted on an individual homeowner's parcel including but not limited to garage sales, estate sales, private parties.

C. Standards for Temporary Event/Uses

The review of temporary events, uses or buildings shall be reviewed in accordance with the following standards:

1. General Standards

- i. A proposed temporary event or use shall be located on a lot with a permitted principle building or on a vacant lot when the minimum required setbacks for the district are met.
 1. Temporary event/use shall be incidental to the principal permitted use or structure existing on the property or an abutting property.
 - a. Holiday Tree and Temporary Greenhouse Sales are exempt from this standard.
- ii. Goods and display materials must be stored inside either a permanent or temporary structure during non-event hours, excluding Holiday Tree sales and Temporary Greenhouse sales.
- iii. The temporary event shall not eliminate or negatively impact required parking for the building or underlying use. Additional parking may be required upon finding that the proposed temporary event/use increases the need for parking.
- iv. All equipment, materials, goods, poles, wires and other items associated with the event shall be removed from the premises within two (2) days of the conclusion of the temporary use or event.
- v. All temporary events shall conform to all State and County Health Department regulations and codes including IC16-42-5 and 410 IAC 7-24.
- vi. Temporary events held in City of Westfield Parks and Playing Fields shall follow the requirements as outlined in the Westfield Park and Recreation Department's Policies and Procedures Manual.
- vii. All tents must pass inspection of the City of Westfield Fire Marshal.

1. Tents must meet Uniform Fire Code or International Fire Code standards.
- viii. Any temporary events that require the assignment of additional Westfield Police Officers and/or Westfield Fire Department Responders shall be responsible for the cost of said employees.
 1. Payment shall be made directly to the City of Westfield Police Department.

2. Sidewalk Sales

- i. All sidewalk sales must meet the applicable standards under the General Standards subsection of this section of code.
- ii. All sidewalk sales must be located within ten (10) feet of the tenant space.
- iii. Such sales events shall not impede pedestrian traffic or force pedestrians into vehicle traffic lanes.
 1. A five (5) foot pedestrian access area on the sidewalk shall be maintained at all times.
 2. The pedestrian access area on the sidewalk shall not be interrupted or impeded with building, utility or landscaping elements such as but not limited to columns, supports, plantings or other such materials.

3. Temporary Greenhouse and Holiday Tree Sales shall meet the standards of all Federal, State and City Building and Fire Codes outlined below.

- i. All Temporary Greenhouse and Holiday Tree Sales must meet the applicable standards under the General Standards subsection within this section of code.
- ii. Permitting
 1. Permits are issued by the Community Development Department.
 2. Permits shall only be issued on parcels at least five (5) acres in size
 3. Permit for these sales shall be valid for a maximum of ninety (90) consecutive calendar days.
 - a. Applicants must provide dates of sales.
 4. A permit is required for each location of operation.
 5. No more than two (2) permits shall be issued per parcel per calendar year.
- iii. Holiday Tree lots and Temporary Greenhouse sale areas are restricted to three thousand eight hundred (3,800) square feet.
 1. With the permission of the Community Development Director, Holiday Tree lots may be increased up to five thousand (5,000) square feet,
- iv. Such sales are restricted to nonresidential districts and permitted nonresidential uses in residential districts.
- v. Bagged, bulk items must be stored within an adjacent permanent or temporary structure.
- vi. Signs shall be limited to two (2).

1. Signs shall not exceed twelve (12) square feet each.
 2. Signs must be affixed to the temporary structure associated with the event.
 3. No other signs shall be permitted.
 4. Signs must meet all other standards of the Sign Ordinance.
4. Outdoor Café and Eating Area

In addition to the standards outlined in the above subsection, standards for Temporary Event/Use, outdoor cafes and eating areas are subject to the following conditions:

i. Permits

1. Outdoor cafés and eating areas are not permitted prior to April 1st or after October 31st.
 2. All furniture and fencing or other separation devices must be removed completely by October 31st of each year leaving the area free of all obstructions.
 - a. No modifications or alterations shall be made to or within the public right-of-way to accommodate or support furniture or fencing devices without the written consent of WPWD.
 - b. Any modifications or alterations permitted by WPWD shall be of such a nature as to be completely removed, repaired and replaced, and shall allow for unobstructed access to the public right-of-way upon the conclusion of the permitted outdoor café operation.
- ii. All outdoor cafés and eating areas shall conform to all State and County Health Department regulations and code including IC16-42-5 and 410 IAC 7-24.
- iii. Lighting must be compliant with the standards set in this chapter.
 1. Festoon lighting is not permitted.
- iv. Music must be kept to a level that is not audible from forty (40) feet or more away from the source or is at a level of 90 decibels or more when measured on a dB(A) meter.
- v. Such cafes and eating areas shall not impede pedestrian traffic or force pedestrians into vehicle traffic lanes.
 1. A five (5) foot pedestrian access area on the perimeter of the outdoor café and eating area shall be maintained at all times.
 - a. The pedestrian access area on the sidewalk shall not be interrupted with building, infrastructure, utility or landscaping elements such as but not limited to columns, supports, plantings or other such materials.
- vi. Proposed area must be compliant with all Federal, State and City Building Codes and access requirements.

1. Proposed outdoor cafés and eating areas that would occupy or extend into public rights-of-way may not be located in such a manner that renders any public right-of-way, sidewalk, or path non-compliant with Federal, State, or City Building Code.
- vii. Permits shall be reviewed annually by Community Development Director, the Fire Marshal, the Police Chief or their designee(s).

5. Temporary Buildings or Structures During Residential and Nonresidential Construction

Plans must be submitted to the Community Development Department prior to the establishment of any Temporary Building or Structure.

Temporary buildings or structures shall be reviewed in accordance with the following standards:

- i. Temporary buildings or structures are permitted for a period of up to 12 months.
 1. A single extension, not to exceed an additional twelve (12) month period, may be granted by the Director in the case of large, ongoing construction projects.
 - a. Extension requests shall be subject to a new application fee.
 - b. Extension permits shall be subject to a new permit fee.
 - c. Additional extensions to allow temporary structures to continue for more than twenty-four (24) months shall be requested from Board of Zoning Appeals.
 - i. Such requests are subject to application and fees.
 - ii. Setback requirements of the applicable zoning district must be met.
 - iii. Adequate parking, as determined by the Community Development Department Director or their designee, either paved or a dust-free compacted gravel surface, must be provided based on the nature of the use and appropriate ordinance standards.
 - iv. Landscaping may be required based on site location, visibility and duration.
 1. Determination of appropriate landscaping shall be made by the Director of Westfield Community Development or the Director's designee.
- v. If electricity is required, an Improvement Location Permit is required prior to electrical installation.
- vi. Trailers must meet the following requirements:
 1. One (1) trailer per builder who has two (2) or more parcels within a subdivision.
 2. Anchored to the ground per the requirements of the City Building Code.
 3. Located near the rear of the property when possible.

4. Located at least fifteen (15) feet from the public right-of-way
 5. Parking areas must be a paved or dust-free gravel surface capable of supporting a fire apparatus.
 6. Must be complaint with all Federal, State and City Building Codes and access requirements.
 7. Must have at least one (1), ten (10) pound ABC fire extinguisher.
 - vii. All equipment, materials, goods, poles, wires and other items associated with and including the temporary building or structure shall be removed from the premises within three (3) days of issuing a certificate of occupancy to the principal structure.
6. Temporary Sales Offices for Residential Developments
- Plans must be submitted to the Community Development Department prior to the establishment of any Temporary Building or Structure. Temporary sales offices shall be reviewed in accordance with the following standards:
- i. Permitted in residential developments only when construction of a model home for sales operations occurs simultaneously with the permit for a temporary sales trailer. Upon issuing a temporary certificate of occupancy for the model home, the temporary use permit shall expire.
 - ii. Adequate parking, as determined by the Community Development Department Director or their designee, either paved or a dust-free compacted gravel surface, must be provided based on the nature of the use and appropriate ordinance standards.
 - iii. Landscaping may be required based on site location, visibility and duration of time that the sales office will remain on site.
 1. Determination of appropriate landscaping shall be made by the Director of Westfield Community Development or the Director's designee.
 - iv. If electricity is required, an Improvement Location Permit is required prior to electrical installation.
 - v. Trailers must meet the following requirements:
 1. Anchored to the ground per the requirements of the City Building Code.
 2. Located near the rear of the property when possible.
 3. Located at least fifteen (15) from the nearest public right-of-way.
 4. Parking areas must be a paved or dust-free gravel surface capable of supporting a fire apparatus.
 5. Must be complaint with all Federal, State and City Building Codes and access requirements.
 6. Must have at least one (1), ten (10) pound ABC fire extinguisher.

D. Submittal and Procedure Information

In addition to the required information pertaining to the request as contained within this section, the applicant shall submit the following to the City of Westfield, Community Development Department.

1. A completed application form and required fee.
2. A written statement describing the requested use, operations plan, traffic control and the proposed time period.
3. An 8.5" x 11" plot plan or sketch that illustrates:
 - i. The property lines of the site.
 - ii. Adjacent uses and zoning districts.
 - iii. Location of fire hydrants.
 - iv. Existing and proposed buildings or structures.
 - v. Boundaries of proposed sales/activity area.
 - vi. Proposed lighting and method of power.
 - vii. Parking calculations based upon standards set within this Chapter.
 - viii. Proposed traffic circulation.
 - ix. Location and size of proposed signs.
 - x. Location and method of trash disposal.
 - xi. Any other information deemed necessary by the Community Development Director or their designee.
4. Proof of ownership, or if the applicant is not the owner of the land, written permission from the property owner for said use/activity.
5. Proof that reasonable liability insurance is carried depending on the use/activity.
 - i. The City of Westfield and Washington Township shall be added as an additional insured at the applicant's expense.
6. If alcohol is sold or consumed, proof of appropriate permits from the State of Indiana, Alcohol and Tobacco Commission is required.
 - i. No aspect of the City of Westfield Temporary Event, Use or Structure permit shall exempt any entity or individual from all applicable State laws regarding the serving of alcoholic beverages.
7. If cooking or eating is involved in a temporary event, outdoor café or some other eating area, proof of review and approval from the Hamilton County Health Department is required.
8. Review of Temporary Event/Use requests shall be in accordance with the following table. For items not specifically listed, the Community

Development Department Director shall make a determination regarding the review procedure and required standards.

Type of Event/Use:	Reviewed By:
Temporary Building or Structure	Community Development Department
Temporary Sales Office	Community Development Department
Temporary Event/Use (four (4) days or fewer)	Community Development Department
Temporary Event/Use (five (5) days or more)*	Board of Zoning Appeals

*Outdoor Cafés, Temporary Greenhouse and Holiday Tree sales are exempt from this standard and shall be reviewed by the Community Development Department, not the Board of Zoning Appeals.

9. The Community Development Department will coordinate reviews with Police, Fire, and the Parks and Recreation departments.
10. Submittals must be made to the Community Development Department thirty (30) days prior to the scheduled event. Events that must be reviewed by the Board of Zoning Appeals must apply by the published dates.

E. Penalties

1. Any person or entity that violates any part of the provisions of this Article shall have the permit revoked for the event.
 - i. If the violation is abated, a permit may be re-instated after a review by the Community Development Director, Chief of Police, Fire Chief or their designees.
2. Any person or entity that has their permit revoked more than once in a one (1) year period will be prohibited from applying for any temporary use permits for one (1) year.
3. In the event of a Public Safety emergency the Mayor, Chief Administrative Officer/Deputy Mayor, Chief of Police, or the Fire Chief may revoke the permit.
 - i. If a permit is revoked for Public Safety reasons, the person and entity that were issued the permit may not apply for any temporary use permits for a period of two (2) years.
4. Continued non-compliance after the revocation of said permit necessitating additional enforcement action on the part of the City of Westfield may result in:
 - i. The assessment of fines, fees, attorney's fees and court costs as provided for in applicable City and State enforcement statutes.

F. Fees

1. The fee for application for a Temporary permit shall be as per the approved Community Development Department Fee Schedule at the time of application.
2. Fees for application shall be separate from and not applied to any other permit or deposit fees associated with the Temporary event, use or structure.
3. Fees for any Temporary event, use, or structure application which is denied shall be non-refundable.
4. For events on City property, except those in City Parks, a deposit will be required per the Community Development Department Fee Schedule. If it is determined that based on the proposed use/activity the standard deposit is insufficient to cover potential restoration costs, the amount shall be determined by the Community Development Director.
 - i. The amount of deposit shall not exceed \$5000.
 - ii. Deposit shall be made prior to the issuance of a permit.
 - iii. Deposit may be refunded upon inspection by the Community Development Department or their designee.
5. For events located in City Parks and Playing Fields, fees are required per the City of Westfield Parks and Recreation Department Policies and Procedures Manual.
 - i. Parks and Recreation Department fees shall be paid directly to the City of Westfield Parks and Recreation Department.
 - ii. Application and payment must also be made to the Community Development Department for events in City Parks, but not on City Playing Fields.
6. City sponsored events must undergo review, but are exempt from permit and application fees.

G. Appeal

1. Any decision to deny a Temporary permit by the Community Development Director may be appealed to the Board of Zoning Appeals.